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## **FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD**

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Based upon my review of the Peak Creek Riparian Restoration Project (Environmental Assessment Number OR-080-02-07), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

### **Right to Appeal**

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If no appeal is received by the close of business (4:00 p.m. Pacific Standard Time) on **July 5, 2002**, this decision will be implemented.

**Contact Person:** For additional information concerning this decision or the BLM appeal process, contact Belle Smith, Marys Peak Field Office, 17 17 Fabti Road SE, Salem, Oregon 97306; telephone 503 - 3 15 - 5984.

Responsible Official



D a t e 06/07/02

For

Cindy Enstrom  
Field Manager  
Marys Peak Resource Area, Salem District  
Bureau of Land Management  
17 17 Fabry Road SE  
Salem, OR 97306

OPTIONAL ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT  
IMPACT, and DECISION RECORD FORM<sup>1</sup>

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ENVIRONMENTAL ASSESSMENT

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**EA Number:** OR-080-02-07

**BLM Office:** Salem District Office  
Marys Peak Resource Area  
1717 Fabry Road SE  
Salem, OR 97306

**Proposed Action Title:** Peak Creek Riparian Restoration Project

**Type of Project:** Restoration of compacted area and salvage of blow down for in-stream use.

**Location of Proposed Action:** The project area is located approximately 1 air mile North east of Alsea Falls, Benton County Oregon. The lands are administered by the Marys Peak Resource Area within the Bureau of Land Management, Salem District. The project would occur within the South Fork Alsea Watershed in lands designated as Late-Successional Reserve and Riparian Reserve in the S½NE¼ of Section 24, T. 14 S., R. 7 W., Willamette Meridian.

**Conformance with Applicable Land Use Plan:** The proposed action is in conformance with the following documents: *Salem District Record of Decision and Resource Management Plan* (RMP), dated May 1995 (pp. 57, 62-64, Appendix C-Section II Roads); Salem District Proposed Resource Management Plan / Final Environmental Impact Statement (FEIS, September 1994); *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M ROD, January 2001) and the *Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M FSEIS, November 2000), and *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, (SEIS) dated April 1994 (pp. B-9 to B-10, C-32 to C-33).

**Purpose of and Need for Action:** The Northern part of BLM ownership in T. 14 S., R. 7 W. section 24, has been heavily impacted by off road vehicles, camping, and dumping. The area has several deep puddles due to vehicles. The ground has very little vegetation growing due to soil compaction and heavy rains run off the heavily compacted soils directly into Peak Creek. The

area is also adjacent to a private clear cut and the remaining stand of trees has experienced wind throw and wind damage.

The South Fork Alsea Watershed Analysis shows Peak Creek as a high priority for in-stream enhancement (1995, p. 67). The watershed analysis also states cooperative projects in Peak Creek, and the Lower and Middle South Fork Alsea should be pursued (pp. 75-76).

The federal action is to remove blow down just off the 14-6-17 Road in an area that has been compacted and disturbed by Off Highway Vehicles (OHV). Following blow down removal, steps would be taken to break up compacted soil, re-plant and keep off-road vehicles from entering this area.

**Description of the Proposed Action:** The BLM proposes to salvage blow down trees next to an adjacent clear cut and use the wood in stream restoration projects. After blow down trees have been salvaged, this area would have compacted soil fractured, planted with mixed conifer species (Western Red cedar, Hemlock and Douglass Fir), grass seeded with red fescue to prevent noxious weeds and closed to vehicular traffic using root wads, boulders and earth berms.

There are approximately sixty-five trees (from 8 to 34 inches diameter) to be removed. These trees would be bucked and hauled away to be used in stream channel restoration projects by the Mid Coast Watershed Council. Approximately 15 additional trees with variable diameters would be left on site to meet Late Successional Reserve objectives for coarse woody debris. Five of these trees (15) would be placed into Peak Creek. Trees would be selected to minimize disturbance and easiest to move into Peak Creek. Trees would be placed into Peak Creek from an area which is already compacted- this is an off road vehicle path approximately 35 feet from Peak Creek. Equipment would be able to stay on this compacted path and place wood into the stream channel. A minimum log length would be 40 feet, to provide stream with structure and promote habitat diversity.

The proposed action is expected to occur during fiscal year 2002 (summer 2002).

#### **Design Features**

- Log placement would take place between July 31 and August 31 (ODFW in-stream guide lines)
- Disturbed areas would be grass seeded with red fescue grass seed.

#### **Alternatives Considered**

The interdisciplinary team considered keeping this area open as a non-designated camp site, but decided that this area would continue having OHV problems (soil compaction), dumping, and resource impacts to Peak Creek.

**Consultation and Public Involvement:** This action is not in suitable habitat and is more than 0.25 mile from any suitable habitat for spotted owls, marbled murrelets, and bald eagles.

### **Fish Consultation**

This project is covered under the Incidental Take Statement for Programmatic Biological Opinion Covering U.S. Forest Service and Bureau of Land Management Administrative Units Within the Oregon Coast Range Province, Oregon (December 21, 2001).

A permit for the Division of State Lands would be obtained before logs could be placed into Peak Creek.

In compliance with the National Environmental Policy Act, the proposed action was published on the Bureau of Land Management Salem District Internet site for 30 days and in the *Corvallis Gazette-Times*, beginning on **June 10, 2002**. The internet site is available for interested public to access information concerning project development. A copy of the EA was made available for public review at the Salem District Office.

**Affected Environment:** The project area is located in Late Successional Reserve and Riparian Reserve (as identified within the Salem District Record of Decision and Resource Management Plan, pg. 14).

**Environmental Impacts:** For a full discussion of the physical, biological, and social resources of the Salem District, refer to the Salem District FEIS. For a site-specific discussion of effects from the proposed action which supplements the discussion in the FEIS, refer to Appendix 1 of this EA.

## APPENDIX 1

### ENVIRONMENTAL ELEMENTS

Environmental Assessment Number OR-080-02-07

In accordance with law, regulation, executive order and policy, the Peak Creek Riparian Restoration Project interdisciplinary team reviewed the elements of the environment to determine if they would be affected by the proposed action described in Environmental Assessment Number OR-080-02-07. The following three tables summarize the results of that review.

<b>Table 1. Critical Elements of the Environment.</b> This table lists the critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order.		
CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Air Quality	Not Affected	The proposal does not involve any actions which affect air quality.
ACEC (Area of Critical Environmental Concern)	Not Affected	No ACEC is located within the proximity of this proposed action.
Cultural, Historic, and Paleontological	Not Affected	No pre-project survey required as outlined in the <i>Protocol for Managing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D - "Coast Range Inventory Plan (August 1998).</i>
Native American Religious Concerns	Not Affected	None known.
Threatened or Endangered (T&E) Plant Species or Habitat	Not Affected	There are no known T&E (special status) species or habitat within the proposed project area. See botanical report, May 28, 2002, located in the project file.
Threatened or Endangered Wildlife Species or Habitat	Not Affected	Action is not in suitable habitat and is more than 0.25 mile from any suitable habitat.
Threatened or Endangered Fish Species or Habitat	Not Affected	Listed fish are down stream approximately one mile. This project would improve water quality for listed fish down stream by alleviating compaction of soil and sediment delivery.
Prime or Unique Farm Lands	Not Affected	No prime or unique farm lands associated with the proposed actions.
Flood Plains	Affected	Fracturing the compacted soil and planting conifers would improve flood plain infiltration and function.

**Table 1. Critical Elements of the Environment.** This table lists the critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order.

CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Hazardous or Solid Wastes	Not Affected	No hazardous or solid waste found nor would be produced by this proposal.
Water Quality (Surface and Ground)	Affected	Water quality entering Peak Creek would be improved by having water intercepted and filtered by vegetation, duff and soil. Currently, water runs off compacted soil into Peak Creek increasing direct sedimentation.
Wetlands/Riparian Zones (Executive Order 11990, Protection of Wetlands, 5/24/77)	Affected	The riparian reserve in the project area has been heavily disturbed from OHV use, trash dumping, etc. This project would minimize degradation of the riparian reserve, alleviate compacted soils and restore riparian vegetation.
Wild and Scenic Rivers	Not Affected	No Wild and Scenic Rivers present.
Wilderness	Not Affected	No Wilderness in or adjacent to project area.
Invasive, Nonnative Species (includes Executive Order 13112, Invasive Species, 2/3/99)	Affected	There are some known non-native and noxious weed listed species within the project area. These species are widespread throughout Western Oregon. Mitigation measures have been identified to abate any anticipated large infestations. See botanical report, May 28, 2002, located in project file.
National Energy Policy (Executive Order 13212)	Not Affected	The actions would have no adverse impact on the energy development production, supply, and / or distribution.
Environmental Justice (Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, 2/11/94)	Not Affected	The action would not have disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

**Table 2. Other Elements of the Environment.** This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction.

ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Land Uses (including mining claims, mineral leases, etc.)	Not Affected	This project would not affect mining claims or mineral leases.
Minerals	Not Affected	There are no known mining claims or mineral leases located within the project area.
Recreation	Affected	Removing this undesignated campsite would displace those who historically use the site. The surrounding BLM lands would offer other dispersed recreational opportunities.
Soils	Affected	Soil compaction would be reduced and water infiltration would be increased.
Visual Resources	Not affected	Visual Resource Class 4
Water Resources (including Aquatic Conservation Strategy Objectives, beneficial uses, etc.)	Affected	The proposed action would help the attainment of the Aquatic Conservation Strategy objectives (see Table 3). The proposed action would have beneficial effects on water quality, riparian resources and riparian dependent species (see Table 1, Water Quality for more detail).
Bureau Sensitive and Special Attention Plant Species/Habitat (including Survey and Manage, and protection buffer species)	Not Affected	There are no known bureau sensitive or special attention species in the project area. See botanical report, May 28, 2002, located in the project file.
Bureau Sensitive and Special Attention Wildlife Species/Habitat (including mammal Survey and Manage and mollusks)	Affected	The proposed action would have an overall positive effect to the area since soils and habitats would be restored.
Fish Species with Bureau Status and Essential Fish Habitat	Affected	Fish species with bureau status (steelhead) are down stream approximately one mile. This project would improve water quality for fish down stream (essential fish habitat) by alleviating compaction of soil , restoring vegetative cover and reducing sediment.
Rural Interface Areas	Not Affected	None present.



**Table 2. Other Elements of the Environment.** This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction.

ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Coastal Zone (affect on "any land or water use or natural resource of the coastal zone." The determination of effects should include "direct, indirect, cumulative, secondary, and reasonably foreseeable effects")	Not Affected	The proposed action is within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the state planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/direction found in the RMP were determined to be consistent with the Oregon Coastal Management Program.

**Table 3: Aquatic Conservation Strategy Objectives Review Summary**

ACS Objective	How Project Meets Aquatic Conservation Strategy Objectives
Maintain and restore distribution, diversity, and complexity of watershed and landscape features to ensure protection of aquatic systems.	The proposed project has the potential for short term increases in sediment delivery to Peak Creek, with long term benefits to water quality and the riparian zone. Seasonal work restrictions would also limit the amount and timing of any sediment produced from this project.
Maintain and restore spatial connectivity within and between watersheds.	The proposed project would maintain the existing spatial and temporal connectivity within and between watersheds.
Maintain and restore physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	The proposed project area would restore the Peak Creek Riparian area allowing vegetation to stabilize the bank and flood plain.
Maintain and restore water quality necessary to support healthy riparian, aquatic and wetland ecosystems.	This project would benefit water quality due to restored vegetation on the bank and flood plain acting as a filter for rain water and surface run off entering Peak Creek.
Maintain and restore the sediment regime under which system evolved.	Currently water flows off of compacted bare soil at the Peak Creek site. This project will benefit water quality due to restored vegetation and forest litter on the bank, and flood plain filtering rain and surface run off entering Peak Creek.
Maintain and restore instream flows.	The proposed project would restore instream flows by having water infiltrate the ground naturally, and not running off the compacted soil area.
Maintain and restore the timing, variability and duration of floodplain inundation and water table elevation in meadows and wetlands.	The proposed project would restore flood plain function by having water infiltrate the ground naturally, and not running off the compacted soil area.
Maintain and restore the species composition and structural diversity of plant communities in riparian zones and wetlands to provide thermal regulation, nutrient filtering, and appropriate rates of bank erosion, channel migration and CWD accumulations.	This project would increase riparian plant species diversity by under planting a mix of conifers and allowing the area to revegetate where no plant species now occur.
Maintain and restore habitat to support well distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species	This project would encourage the re-establishment of native plant, invertebrate, and vertebrate riparian dependent species by eliminating OHV use in the riparian zone.

## VI.

## LIST OF PREPARERS / INTERDISCIPLINARY TEAM MEMBERS

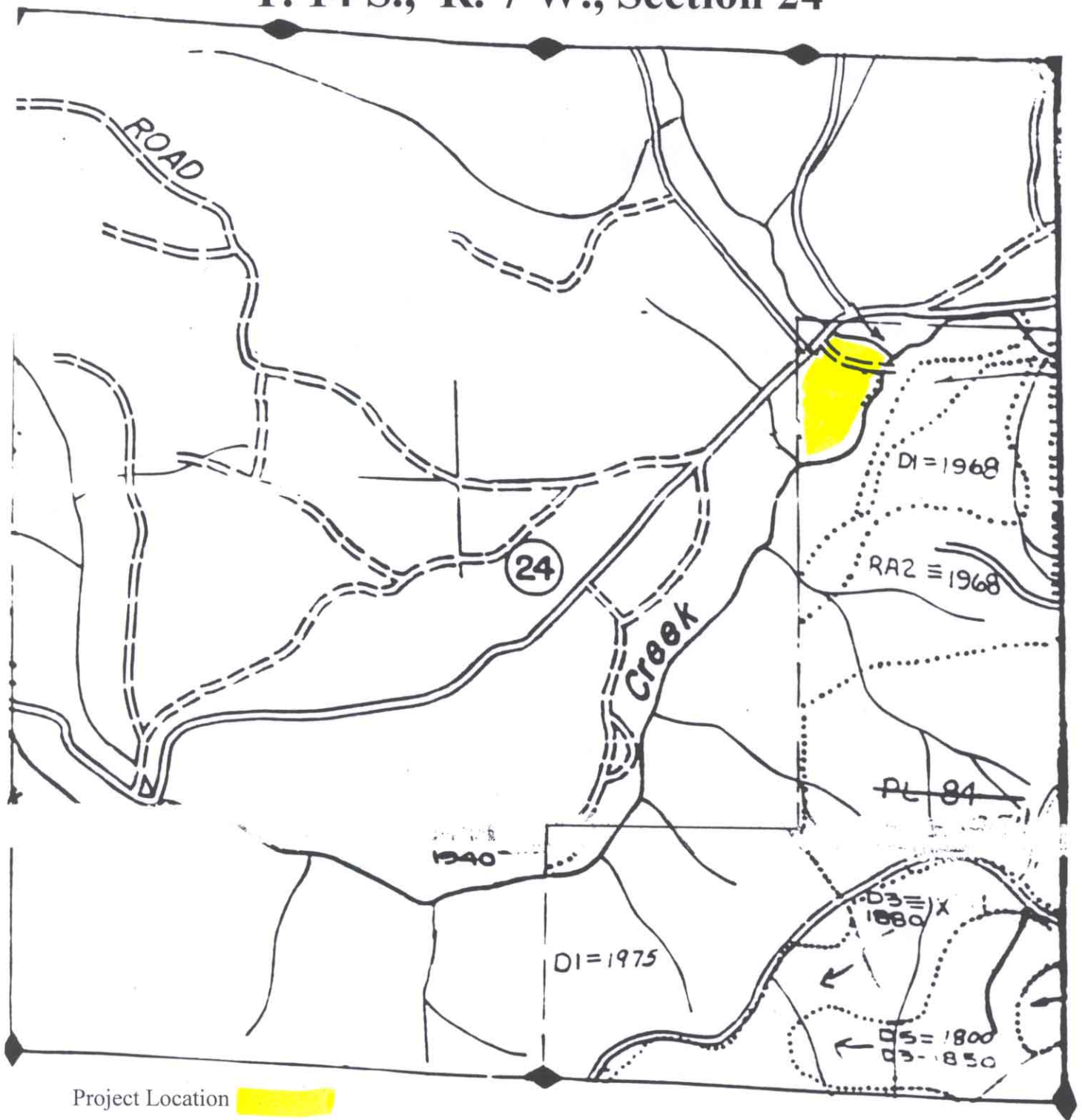
NAME	TITLE	RESOURCE ASSIGNED	INITIALS	DATE
Belle Smith	Natural Resource Specialist	NEPA Review	BS	6/6/02
Amy Haynes	Riparian Ecologist	Riparian Resources	ah	6/3/02
Gary Licata	Wildlife Biologist	Wildlife	gal	6/2/02
Tom Tomczyk	Soils/ Fuels Specialist	Soils / Fuels	4ST	6/4/02
Ashley La Forge	Hydrologist	Hydrological Functions	AL.	6/4/02
Tom Vanderhoof	Biological Resource Technician	Cultural Resources	TMV	6/4/02
Steve Liebhardt	Fisheries Biologist	Fisheries/Aquatic Resources	SL	6/3/02
Traci Meredith	Recreation Specialist	Recreation	TMM	6/4/02
Ron Exeter	Botanist	Botany, Noxious Weeds	R.E.	JUNE 3, 2002

Prepared by: Steve Liebhardt

1 Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-1 1, it is appropriate to use this optional form when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

# Peak Creek Riparian Restoration Project

## T. 14 S., R. 7 W., Section 24



Project Location

Scale: one square mile shown (section 24)

